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MINISTERIAL MEETING ON THE CREATION
OF AN EFFECTIVE UNITED NATIONS
CRIME PREVENTION AND CRIMINAL
JUSTICE PROGRAMME
Paris, 21-23 November 1991
Item 4 of the provisional agenda*

CREATION OF AN EFFECTIVE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME, IN PURSUANCE OF GENERAL ASSEMBLY RESOLUTION 45/108

Possible implications of the programme proposed by the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme for the resources and organization of the Secretariat

Note by the Secretary-General

1. In paragraph 3 of its resolution 45/108 of 14 December 1990, the General Assembly requested the Secretary-General, in preparation for the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, to assess the possible implications of the programme proposed by the Intergovernmental Working Group on the Creation of an Effective International Crime and Justice Programme for the resources and organization of the Secretariat and to report thereon to the Ministerial Meeting and to the Committee on Crime Prevention and Control.

2. Under the terms of the draft resolution contained in paragraph 10 of document A/CONF.156/2, the Ministerial Meeting would recommend to the General Assembly that it:

(a) Approve the statement of principles and programme of action, annexed to the resolution, recommending the establishment of a United Nations crime prevention and criminal justice programme;

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* A/CONF.156/1.

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(b) Request the Secretary-General to take the necessary action within the overall existing United Nations resources and to provide appropriate resources for the effective functioning of the United Nations Crime Prevention and Criminal Justice Programme in accordance with the principles outlined in the statement of principles and programme of action;

(c) Request the Economic and Social Council, at its 1992 regular session:

(i) To dissolve the Committee on Crime Prevention and Control;

(ii) To establish the Commission on Crime Prevention and Criminal Justice as a new functional commission of the Economic and Social Council, in accordance with the recommendations contained in the statement of principles and programme of action;

(iii) To retain for the United Nations Crime Prevention and Criminal Justice Programme, without prejudice to additional funds that may be made available by the Secretary-General, all funds currently allocated to the Programme, as well as any savings realized by restructuring;

(iv) To endorse the role and functions of the United Nations congresses on the prevention of crime and the treatment of offenders, in accordance with the recommendations contained in the statement of principles and programme of action.

3. The statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme, annexed to the draft resolution, elaborates on new objectives and goals for crime prevention and criminal justice and contains a number of recommendations to enhance the institutional framework for the activities of the United Nations in this area.

4. The scope of the proposed programme of action has been analysed against the activities adopted by the General Assembly under programme 29 of the medium-term plan for the period 1992-1997 1/ and subsequent mandates adopted by the Assembly in the area of crime prevention and criminal justice at its forty-fifth session. The proposed programme of action has also been compared with the activities contained in section 21 of the proposed programme budget for the biennium 1992-1993. 2/ The programme of action emphasizes an effective and practical assistance to Member States through the strengthening of regional and international cooperation in crime prevention, criminal justice and the combating of transnational crime. Research and studies would be undertaken at the regional and global levels on specific prevention issues and criminal justice measures. Regular international surveys would assess trends in crime and developments in the operation of criminal justice systems and in crime prevention strategies. Exchanges and dissemination of information on crime prevention and criminal justice would be intensified.

5. Such activities would include:

(a) Assisting developing countries in modernizing their legislation and procedures and in developing criminal codes and laws, both substantive and procedural, tailored to their legal systems, cultures, traditions and special needs, including the development of model laws and other prototypes; developing educational materials and training curricula for use by all concerned; developing and implementing policies to assure the administration of criminal sanctions in a manner consonant with universally accepted standards; maintaining internationally standardized methods of data collection and exchange on topics agreed upon by Member States and, in particular, the timely exchange of criminal justice statistics;

(b) Creating a favourable international climate for combating crime through the development of means of recourse and redress for victims of crime and abuse of power; helping Member States in developing preventive measures to reduce problems of transnational crime; and promoting voluntary and cooperative efforts by States to counteract such forms of crime and to evaluate, on a continuing basis, the practical potential for international responses to crime, through permanent or temporary institutions of a universal or regional character.

6. The above recommendations call for the following comments:

(a) The medium-term plan for the period 1992-1997 as approved by the General Assembly at its forty-fifth session includes programme 29, Crime prevention and criminal justice. 1/ This programme has three subprogrammes, namely, subprogramme 1, Collaborative action against transnational crime; subprogramme 2, Crime prevention planning and criminal justice management; and subprogramme 3, Crime prevention and criminal justice standards and norms. Subprogramme 1 has been designated as high priority. The activities outlined in paragraphs 4 and 5 above might call for a revision of this programme. Such revision would be presented to the General Assembly at its forty-seventh session through the Committee for Programme and Coordination;

(b) Section 21, Social development and humanitarian affairs, of the proposed programme budget for the biennium 1992-1993 2/ includes subsection D, Crime prevention and criminal justice, with a number of activities proposed under the three subprogrammes of the medium-term plan. These activities stem from existing mandates, including the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (A/CONF.144/28), as endorsed by the General Assembly at its forty-fifth session. The resource requirements from the regular budget amount to $3.3 million in rounded terms, including the financing of 17 posts;

(c) The activities outlined in paragraphs 4 and 5 above would seem to represent a significant expansion of the international cooperation component of the proposed programme budget for the biennium 1992-1993. Such expansion would appear to call for additional resources. The recommendation made by the Intergovernmental Working Group for a change in the organizational structure

of the Secretariat responsible for the implementation of programme 29 of the medium-term plan would also call for additional resources. At present, the Crime Prevention and Criminal Justice Branch is part of the Division for Social Development of the Centre for Social Development and Humanitarian Affairs. Should the Branch become a Division, it would remain part of the Centre and it could be headed by a Director at the D-2 level. It might also require additional Professional posts and some increases in other objects of expenditure. For example, an estimate of $19,800 is proposed for consultants for the biennium 1992-1993. Such estimate might not be sufficient to accommodate the various studies that would be called for under the new programme of action;

(d) Additional requirements for the biennium 1992-1993 should, however, be seen in the following context. First, the proposed programme budget for the biennium 1992-1993 is currently being considered by the Fifth Committee of the General Assembly. Secondly, a recommendation of the Intergovernmental Working Group to the Ministerial Meeting is that the Secretary-General be requested to take the necessary action within the overall existing United Nations resources (see para. 2 (b) above). This appears to call for redeployment either within section 21 or among sections of the proposed programme budget. Such redeployments would require a careful analysis of the resources required for the implementation of the mandated programmes of the Organization, in the light of the priorities established by the General Assembly. For these reasons, it would seem desirable to defer to the forty-seventh session of the General Assembly the submission of the possible budgetary implications of the recommendations to be made by the Ministerial Meeting;

(e) Should this approach be accepted by the General Assembly, the following course of action will take place during 1992. First, the requested activities would be implemented with the resources to be appropriated by the General Assembly for section 21 for the biennium 1992-1993. It will be recalled that redeployments within a section of the programme budget are within the prerogative of the Secretary-General. Secondly, should possibility of redeployment from another section appear desirable, the Secretary-General would, according to established procedures, seek the concurrence of the Advisory Committee on Administrative and Budgetary Questions. Thirdly, a review of the workload and other aspects of the functioning of the Crime Prevention and Criminal Justice Branch, in relation to its additional mandates, would be undertaken by the Secretariat during the first part of 1992.

7. As regards operative paragraph 9 of the draft resolution (see para. 2 (c) above), should the Economic and Social Council, following a request by the General Assembly, decide to establish a new functional commission entitled "Commission on Crime Prevention and Criminal Justice" to replace the currently existing Committee on Crime Prevention and Control, the Commission, as with other functional commissions of the Economic and Social Council, would have to be provided with: (a) conference-servicing coverage for all its proceedings on the basis of established United Nations standards; and (b) travel expenses but not subsistence costs of the Commission's members, would be reimbursed by

the United Nations. The budgetary and other consequences of the change would be presented to the General Assembly at its forty-seventh session in the context of revised estimates resulting from decisions of the Economic and Social Council. It can be indicated at this stage that should existing rules and standards be applied to this Commission and should it meet annually, additional expenditures would be incurred.

8. The attention of the Ministerial Meeting is drawn to operative paragraph 9 (c) of the draft resolution (see para. 2 (c) (iii) above). It is felt that the recommendations contained in that paragraph are of an administrative and budgetary nature and fall outside the terms of reference of the Economic and Social Council as defined in the Charter of the United Nations and the Council's rules of procedure.

9. In summary, should the Ministerial Meeting recommend adoption by the General Assembly of the draft resolution contained in document A/CONF.156/2, paragraph 10, the General Assembly would be informed that the budgetary and programmatic implications of the requested activities and organizational changes would be submitted at its forty-seventh session.

Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II.

2/ Ibid., Forty-sixth Session, Supplement No. 6 (A/46/6/Rev.1), vol. I.

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Ministerial Meeting on the Creation
of an Effective United Nations
Crime Prevention and Criminal
Justice Programme
Paris, 21-23 November 1991
Item 5 of the provisional agenda

POSSIBLE NEED FOR A CONVENTION OR OTHER INTERNATIONAL INSTRUMENTS TO DEVELOP THE CONTENT, STRUCTURE AND DYNAMICS OF THE PROGRAMME, INCLUDING MECHANISMS FOR SETTING PRIORITIES, SECURING IMPLEMENTATION AND MONITORING THE RESULTS ACHIEVED, IN PURSUANCE OF GENERAL ASSEMBLY RESOLUTION 45/108

Letter dated 8 November 1991 from the First Alternate Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a draft resolution for consideration at the Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, to be held in Paris from 21 to 23 November 1991.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Ministerial Meeting under item 5 of the provisional agenda.

(Signed) José Maria BORBON
Ambassador
First Alternative Representative

Annex

DRAFT RESOLUTION

The Ministerial Meeting,

Considering the mandate given to it by the United Nations General Assembly in its resolution 45/108 of 14 December 1990 to consider the possible need for a convention relating to the crime prevention and criminal justice programme,

Bearing in mind the recommendation of the interregional preparatory meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders concerning the preparation of a comprehensive international convention on cooperation in criminal justice matters,

Taking into account the results of the meeting of the International Working Group on the Creation of an Effective International Crime and Justice Programme, held at Vienna from 5 to 9 August 1991, which considered and made recommendations for the future of the United Nations Crime Prevention and Criminal Justice Programme and which had before it a draft convention entitled "Draft international convention on cooperation in crime prevention and criminal justice", which was to be transmitted to the Ministerial Meeting, 1/

Having considered the aforementioned draft convention on a preliminary basis,

Recommends that the General Assembly adopt the following draft resolution at its forty-sixth session:

"The General Assembly,

Recalling its resolution 45/108 of 14 December 1990, in which it called upon the Ministerial Meeting to consider the possible need for a convention relating to the crime prevention and criminal justice programme,

Bearing in mind the report of the meeting of the Working Group 2/ containing conclusions and recommendations for the future United Nations Crime Prevention and Criminal Justice Programme,

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1/ A/CONF.156/CRP.1.

2/ A/CONF.156/2.

Reiterating that, once it has been established, the United Nations Commission on Crime Prevention and Criminal Justice will be the appropriate forum for consideration of institutional initiatives relating to such matters,

Recognizing that the adoption of a legal instrument strengthening international cooperation in crime prevention and the treatment of offenders would contribute substantially to facilitating the implementation of activities in this field, particularly in developing countries and organizations of the United Nations system, and would serve to channel cooperation among Governments, intergovernmental and non-governmental organizations and academic and other interested institutions, thereby enhancing the implementation and development of the United Nations Crime Prevention and Criminal Justice Programme",

Recognizing also that the structure of an international legal instrument designed to strengthen international cooperation should be sufficiently flexible to allow each signatory State to be bound on matters of substance only with respect to those issues covered by additional Protocols, which each State may decide to sign on a case-by-case basis,

Considering that the process of preparing a draft convention should be sufficiently exhaustive to allow States the opportunity to discuss it in as much detail as necessary,

Bearing in mind that both the Intergovernmental Working Group and the Ministerial Meeting had before them for examination the draft entitled "International Convention on Cooperation in Crime Prevention and Criminal Justice",

Considering that the United Nations Congresses on the Prevention of Crime and the Treatment of Offenders, including their regional meetings, should contribute to the analysis of institutional and standard-setting initiatives in this field,

1. Invites the Committee for Cooperation on Crime Prevention and Criminal Justice to establish at its first session a working group consisting of five highly qualified persons, taking duly into account equitable geographical representation, to be responsible for preparing a draft convention on international cooperation in crime prevention and criminal justice; the group would meet at least once a year, up to and including 1995, in sessions of five working days and would report initially on its deliberations in a form that would assist the Assembly at its forty-eighth session in 1993 to evaluate the progress achieved in fulfilling the group's mandate and enable the Ninth Congress on the Prevention of Crime and the Treatment of Offenders, including its regional meetings, also to contribute appropriately to the preparation of the above-mentioned draft Convention, with a view to its approval at the fiftieth session of the Assembly;

2. Also invites the Committee to consider whether the working group would use the draft Convention as the basis for its work;

3. Requests the Secretary-General to provide adequate support for the work of the working group and to take practical steps to give effect to this resolution;

4. Also requests the Secretary-General to begin work on the preparation of various draft substantive Protocols relating to crime prevention and criminal justice, which could begin to be considered as soon as the Convention is approved by the Assembly, taking as a basis the model instruments previously approved at United Nations Congresses in this field and the views of States, which will be expressly consulted in this connection;

5. Decides to consider at its forty-eighth session the initial report of the Working Group under the agenda item entitled "Crime prevention and criminal justice".